United Nations S/AC.40/2013/1

Security Council

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19 November 2013

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Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Note verbale dated 4 November 2008 from the Permanent Mission of Iceland to the United Nations addressed to the Committee

The Permanent Mission of Iceland to the United Nations refers to a letter from the Counter-Terrorism Committee dated 26 November 2007 (Ref. S/AC.40/2007/OC.27) inviting Iceland to share information regarding the implementation of Security Council resolutions 1373 (2001) and 1624 (2005) and to comment on the Counter-Terrorism Committee's preliminary implementation assessment.

Please find enclosed a document containing the fifth implementation report of Iceland.

(*Signed*) Matthias G. **Pálsson**
Counsellor

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Annex to the note verbale dated 4 November 2008 from the Permanent Mission of Iceland to the United Nations addressed to the Committee

Implementation of Security Council resolution 1624 (2005)

Paragraph 1
2.1

Some changes to the General Penal Code No. 19/1940 have been proposed in a bill that is now under review in the Parliament, as has been explained earlier (see answer to question 1.4). One of the changes is an addition to article 100, a new article 100 (d) (compare with article 5 of the bill). The provision stipulates that any person who publicly encourages people to commit terrorist acts as defined in article 100 (a) shall be imprisoned for up to three years.

2.2

According to the Act on Foreigners No. 96/2002, people can be denied entry or expelled from Iceland for a number of reasons.

Article 18, Denial of Entry on Arrival, states:

A foreigner may be denied entry into Iceland on arrival, and for a period of up to seven days following arrival:

(e) If he has been sentenced as referred to in article 20, first paragraph, subparagraphs (b) or (c), or if there are, for other reasons, particular grounds to assume that he may commit, in Iceland or in any other Nordic country, a punishable act that may result in imprisonment for a period exceeding three months;

(i) If he is registered in the Schengen Information System for the purpose of denying him entry, and

(j) If this is necessary with a view to public order, national security or the international relations of Iceland or any other State taking part in the Schengen cooperation.

Article 20, Expulsion, states:

A foreigner may be expelled from Iceland:

(a) If he has violated one or more provisions of this Act seriously or repeatedly, or if he fails to heed a decision involving an order to leave Iceland;

(b) If he has, during the five previous years, served a sentence abroad or been sentenced abroad on account of an act that under Icelandic law can result in imprisonment for more than three months; the same shall apply in case of particular measures taken on account of such criminal conduct;

(c) If he has been sentenced in Iceland or if a court has ordered that he shall be subjected to security measures in consequence of conduct that can result in imprisonment for more than three months, or if he has been sentenced to imprisonment more than once in the previous three years;

(d) If this is necessary with a view to national security or the public interest.

Foreigners who are citizens of the European Economic Area

Article 41, Denial of Entry, states:

A European Economic Area (EEA) national may be denied entry into Iceland on arrival and for a period of up to seven days following arrival, if:

(b) If he has been expelled from Iceland or from any other of the Nordic countries, a prohibition of re-entry is still in effect, and he has not been granted permission to come to Iceland;

(d) this is necessary with a view to State security or urgent national interest.

Article 42, Expulsion, states:

An EEA national may be expelled from Iceland if this is necessary with a view to public order and security.

Expulsion may take place if the foreigner in question evinces, or is reasonably deemed to have evinced, personal conduct involving a real and sufficiently serious threat to fundamental societal values. A foreigner who has been sentenced, or with respect to whom special measures have been ordered, may generally be expelled for this reason only if his conduct indicates that he will commit a criminal offence again.

Expulsion shall not take place if, with a view to the facts of the matter and the links to Iceland of the foreigner in question, the measure would be deemed unreasonable with respect to him or his closest family members.

Expulsion entails a prohibition against returning to Iceland later. The prohibition against returning may be permanent or limited in time, however generally not for a period shorter than two years. A person who has been expelled may, on application, be granted a permit to return if new facts recommend this.

The Immigration Office shall decide on expulsions and on return permits to expelled foreigners.

Asylum seekers

Article 46, Right of Asylum, states:

A refugee in Iceland or arriving in Iceland is, upon application, entitled to asylum. This does not, however, apply to a refugee if:

(f) He may be refused entry on account of important national interests.

Paragraph 2

2.3

Through cooperation with the North Atlantic Treaty Organization (NATO) Member States, the European Police Office (Europol) and the International Criminal Police Organization (INTERPOL) and within the framework of the Schengen Agreement, Iceland seeks to strengthen the security of its international borders and to prevent those guilty of incitement to commit a terrorist act from entering Icelandic territory.

Received information regarding possible terror suspects is fed into a passenger manifest programme for inbound passengers on international flights. Security checks are carried out in the country's harbours.

Passenger security procedures are aimed at combating fraudulent travel documents where applicable and in accordance with the Schengen Agreement. Border police receive training in identifying fraudulent travel documents.

Paragraph 3

2.4

Iceland encourages dialogue and cooperation among and between cultures and civilizations as Iceland considers that dialogue and cooperation will further enhance understanding and tolerance among peoples. Therefore, Iceland participates in discussions within international organizations/institutions to enhance dialogue and broaden understanding among civilizations.

2.5

The crime rate in Iceland is relatively low and no acts of terrorism have yet been committed. In addition, no suspected terrorists have been prosecuted in Iceland and Iceland is not considered among the countries that are primary targets for terrorism. Facts like these do not, however, diminish the fact that the Government is well aware of how important collaboration on the international state is, to combat the danger that terrorism brings with it, and has therefore been an active participant on the global scene. Iceland is a party to all principal international agreements regarding terrorism and has amended its legislation to satisfy its obligations according to those agreements.

The population of Iceland is around 320,000 inhabitants. Around 7 per cent of the population are foreigners. Since the countries in East Europe became members of the European Union, and consequently members of EEA and the Schengen scheme (at least some of them), there has been a considerable influx of immigrants to Iceland. This has occurred in particular in relation to the economic boom in Iceland from 2004 to 2007, which resulted in a great demand for foreign labour.

Around 85 per cent of the people living in Iceland are Lutheran. Up to date there has not been unrest or a confrontation between different religions or ethnicities in Iceland and no special indications thereof in the near future. However, it is of vital importance to have immigrants integrate into the society as fast as possible and to avoid isolation. In order to achieve this social integration, two things can be mentioned that are of great importance: learning the language and taking part in the job market. The Government has put great emphasis on immigrants learning Icelandic and in 2006, the Minister of Education introduced a budget of ISK 100 million (US$ 1.2 million) to be put into Icelandic language courses for foreigners living in Iceland, for longer or shorter time periods.

Paragraph 4

2.6

The Ministry of Justice, the Parliament and the Prime Minister's Office have issued guidelines regarding the composition of Icelandic legislation. It is clearly

stated in the guidelines that attention must be given to Iceland's obligations under international law in the elaboration of legislation, such as treaties and conventions Iceland has acceded to. All draft legislation is examined thoroughly, both in form and in substance. It is examined as to whether it corresponds to the Icelandic Constitution, EEA law (namely, the law that is in force in the European Economic Area) and other general rules and principles. The ministry that is drafting the legislation is responsible for ensuring compliance with specific international conventions.

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Security Council

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Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Letter dated 10 June 2013 from the Permanent Representative of Guyana to the United Nations addressed to the Chair of the Committee

I have the honour to forward herewith the response of the Government of Guyana to the request for information on the implementation of Security Council resolution 1624 (2005), concerning counter-terrorism (see annex). The response was previously submitted by e-mail on 23 September 2011.

(*Signed*) George **Talbot**
Ambassador
Permanent Representative

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Annex to the letter dated 10 June 2013 from the Permanent Representative of Guyana to the United Nations addressed to the Chair of the Committee

Response of the Government of Guyana to the request of the United Nations for information on the implementation of Security Council resolution 1624 (2005), concerning counter-terrorism

31 August 2011

Paragraph 1

1.1 What measures does your country have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Freedom of expression is guaranteed by the Guyanese Constitution pursuant to the mandate in Article 146 (1) that "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence." However, subsection (2) of Article 146 provides several exceptions which would serve to prohibit by law and prevent incitement to commit a terrorist act. First, subsection (a) of (2) directs that a person may be prevented in the enjoyment of his freedom of expression by law if it is "reasonably required in the interests of defence, public safety, public order, public morality or public health". Secondly, subsection (b) of (2) directs that a person may be prevented in the enjoyment of his freedom of expression by law if it is "reasonably required for the purpose of protecting the ... rights and freedoms of other persons". Thirdly, subsection (d) of (2) directs that a person may be prevented in the enjoyment of his freedom of expression by law if it "may result in racial or ethnic division among the people of Guyana". Finally, subsection (3) of Article 146 directs that "freedom of expression ... does not relate to hate speeches or other expressions, in whatever form, capable of exciting hostility or ill-will against any person or class of persons". These subsections clearly envision legally prohibiting speech which serves the purpose of incitement to commit a terrorist act. As such, these four exceptions to one's freedom of expression are respectable efforts on the part of the Government of Guyana to reasonably anticipate and foresee the legitimate and compelling need to prohibit by law and to prevent incitement to commit a terrorist act, by tempering this fundamental freedom.

Freedom of assembly, association and demonstration is guaranteed by the Guyanese Constitution pursuant to the mandate in Article 147 (1). However, subsection (4) of Article 147 provides two exceptions which would serve to prohibit by law and prevent incitement to commit a terrorist act. First, subsection (a) of (4) directs that a person may be prevented in the enjoyment of his freedom of assembly, association and demonstration if it is "reasonably required in the interests of defence, public safety, public order, public morality or public health". Also, subsection (b) of (4) directs that a person may be

prevented in the enjoyment of his freedom of assembly, association and demonstration if it is "reasonably required for the purpose of protecting the rights or freedoms of other persons". These subsections clearly envision legally prohibiting assembly, association and demonstration which serve the purpose of incitement to commit a terrorist act. As such, these two exceptions to one's freedom of assembly, association and demonstration are respectable efforts on the part of the Government of Guyana to reasonably anticipate and foresee the legitimate and compelling need to prohibit by law and to prevent incitement to commit a terrorist act, by tempering this fundamental freedom.

Freedom of conscience is guaranteed by the Guyanese Constitution pursuant to the mandate of Article 145 (1). However, subsection (5) of Article 145 provides exceptions which would serve to prohibit by law and prevent incitement to commit a terrorist act. First, subsection (a) (i) of (5) directs that a person may be prevented in the enjoyment of his freedom of conscience if it is "in the interests of defence, public safety, public order, public morality or public health". Next, subsection (a) (ii) of (5) directs that a person may be prevented in the enjoyment of his freedom of conscience if it is "for the purpose of protecting the rights and freedoms of other persons". These subsections clearly envision legally prohibiting the propagation of thought which serves the purpose of incitement to commit a terrorist act. As such, these two exceptions to one's freedom of conscience are respectable efforts on the part of the Government of Guyana to reasonably anticipate and foresee the legitimate and compelling need to prohibit by law and to prevent incitement to commit a terrorist act, by tempering this fundamental freedom.

Since the 1976 Cubana Airlines bombing in Barbados, in which 11 Guyanese were killed among other nationalities, Guyana has remained resolute in its denunciation of terrorism.

The Government of Guyana is committed to discouraging operations of subnational groups on home soil, scaling up intelligence-gathering and enhancing security through Joint Services operations and the removal of social exclusion and vulnerabilities that lend to the recruitment of transnational terrorist cells.

Furthermore, the Firearms (Amendment) Act 2007 and regulations, the Interception of Communication Act 2008, the Hijacking and Piracy Act 2008, the Anti-Money Laundering and Countering the Financing of Terrorism Act 2009, subsidiary amendment of 2010 and regulations, the Money Transfer Agencies (Licensing) Act 2009, the Mutual Assistance in Criminal Matters Act 2009 and the Fugitive Offenders (Amendment) Act 2009 lay the legislative framework for intelligence-gathering and tracking the movement of funds, etc., by those who may have such inclinations and objectives.

1.2 What measures does your country take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

Freedom of movement is guaranteed by the Guyanese Constitution pursuant to the mandate in Article 148 (1) that "No person shall be deprived of his freedom of movement, that is to say, the right to move freely throughout

Guyana, the right to reside in any part of Guyana, the right to enter Guyana, the right to leave Guyana and immunity from expulsion from Guyana." However, subsection (3) of Article 148 provides several exceptions which would serve to deny safe haven to persons with respect to whom there is credible and relevant information giving serious reasons for considering they have been guilty of incitement to commit a terrorist act.

First, subsection (a) of (3) directs that a person may be prevented in the enjoyment of his freedom of movement if it is "reasonably required in the interests of defence, public safety or public order or for the purpose of preventing the subversion of democratic institutions in Guyana". Secondly, subsection (e) of (3) directs that a person may be prevented in the enjoyment of his freedom of movement if it is "for the imposition of restrictions on the freedom of movement of persons who are not citizens of Guyana". Thirdly, subsection (g) directs that a person may be prevented in the enjoyment of his freedom of movement if that person is "(i) to be tried or punished in some other country for a criminal offence under the law of that country". These subsections clearly envision prohibiting movement by denying safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act. As such, these exceptions to one's freedom of movement are respectable efforts on the part of the Government of Guyana to reasonably anticipate and foresee legitimate and compelling needs to deny safe haven, by tempering this fundamental freedom.

Guyana's immigration laws and laws mentioned in 1.1 above also allow for the country to deny safe haven to such persons as described in 1.2 above on a case-by-case basis.

Paragraph 2

2.1 How does your country cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

The Government of Guyana has taken positive steps to comprehensively address and improve the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act from entering its territory, by significantly investing in the security sector.

Legislative reform established between 2007 and 2009 has contributed to a modernized framework for the security sector to allow it to address the new challenges it faces, such as fraudulent travel documents, difficulties in terrorist screening and abnormalities in passenger security procedures.

Guyana's focus is on modernizing the Guyana Police Force, improving police/community relations, creating safer neighbourhoods and consideration of cooperation with other States. The Guyana Defence Force has been given additional resources and training to better meet the challenges of transborder and national security.

This sincere, good-faith effort has attracted donor support from the Inter-American Development Bank in terms of two programmes funded by the Government of Guyana and the Bank, on citizen security (2005-2011) and justice sector reform (2005-2011).

In 2005, to facilitate broad-based participation and oversight on crime and security matters, and in response to commitments by Heads of Government of the Caribbean Community (CARICOM), the Government of Guyana established the National Commission on Law and Order, a 28-member broad-based body composed of representatives of the labour movement, the business community, the religious community and parliamentary political parties which produces reports, meets with communities and makes recommendations to the Government on preventing and combating all forms of criminal activity.

Guyana works with and receives technical support from the United Nations Office on Drugs and Crime and coordinates with INTERPOL and foreign drug enforcement agencies.

Guyana also has bilateral cooperation agreements with neighbouring States which allow for better coordination and sharing of information on combating organized transnational crime and terrorism.

Finally, Guyana has also signed a number of cooperation treaties on mutual assistance in criminal matters with CARICOM and the Organization of American States, and has enacted the Mutual Assistance in Criminal Matters Act of 2009.

Paragraph 3

3.1 What international efforts is your country participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures?

Guyana is a member of the United Nations Alliance of Civilizations, for which it was named a focal point in 2011, and a member of the United Nations Educational, Scientific and Cultural Organization, having also signed a number of the conventions of the organization. It has ratified the international human rights treaties — the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment — and in 2010 it ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It has signed the Convention on the Rights of Persons with Disabilities.

It is hoped that Guyana's participation in the United Nations Alliance of Civilizations can contribute towards building bridges between societies, cultures, religions and languages to promote dialogue, to broaden understanding among civilizations and to forge the collective will to address the world's imbalances such as the indiscriminate targeting of different religions and cultures.

Guyana, as a multicultural, multi-ethnic and multireligious nation, remains committed to addressing widening rifts between societies by reaffirming a paradigm of mutual respect among peoples of different cultural and religious traditions and by helping to mobilize concerted action in that regard. To this end, Guyana, in its domestic capacity, shares in the guiding principles of the United Nations Alliance of Civilizations insofar as they relate to: (a) fundamental documents on cultural religious rights as the basic reference point for promoting a culture of dialogue and respect among all nations and cultures; (b) adherence to international law and covenants, including all rights and responsibilities governing international humanitarian law; (c) universal and unconditional adherence to human rights standards; (d) recognizing that diversity of civilizations is a driving force of human progress; (e) aggressively pursuing the eradication of poverty; and (f) complete denunciation of terrorism.

Guyana has also fulfilled its national and international humanitarian obligations. Guyana is a participating State in the Caribbean Disaster Emergency Management Agency and has contributed to humanitarian and peacekeeping missions in the Caribbean region and farther afield.

Please also refer to Guyana's response to question 2.1 above, specifically: (a) National Commission on Law and Order; (b) mutual assistance in criminal matters with the Caribbean Community and the Organization of American States.

3.2 What steps is your country taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

Guyana is committed to discouraging and countering incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational and religious institutions by terrorists.

To this end, Guyana has scaled up intelligence-gathering and has enhanced security through Joint Services operations and has removed social exclusion and vulnerabilities that lend to the recruitment of national and transnational terrorist cells.

Moreover, the 2003 constitutional reform process made significant progress towards addressing ethnic and racial insecurities, which can form the basis for incitement of terrorist acts. In accordance with Article 160A (1) of the Guyanese Constitution, all persons, institutions and political parties are prohibited from taking any action or advancing, disseminating or communicating any idea which may result in racial or ethnic division among people. Under the Racial Hostility Act 1973 (amended by Act 9 of 2002), incitement to racial hatred is a criminal offence. A person shall be guilty of an offence if he or she wilfully excites or attempts to excite hostility or ill will against any section of the public or against any person on the ground of his or her race. This is a good-faith effort on the part of the Government of Guyana to counter incitement of terrorism motivated by extremism and intolerance and to prevent subversion of cultural harmony by terrorists, or those with the propensity for such terrorism.

Guyana has established, through the 2003 constitutional reform process and an agreed-upon parliamentary consensual mechanism, four rights commissions: the Ethnic Relations Commission, the Indigenous People's Commission, the Women and Gender Equality Commission and the Rights of the Child Commission.

Paragraph 4

4.1 What is your country doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law and humanitarian law?

The Governance Unit of the Office of the President, established after the 2006 national elections, has as one of its responsibilities monitoring Guyana's implementation of its treaty obligations under international law, in particular international human rights law, refugee law and humanitarian law. It also assists in the compilation of its State party reports. The Governance Unit may then make recommendations to the Cabinet or sectoral ministries and agencies. Where the Unit is of the view that there may be inconsistencies, it will bring these to the attention of the relevant bodies of the State for their guidance, where necessary action will be taken once the Cabinet decides.

Pursuant to Article 212N of the Guyanese Constitution, the Human Rights Commission is mandated to make recommendations for policy and legislative changes, reporting directly to the Parliament, thereby serving as an entity that specializes in evaluating risk and implementing preventive protection schemes for human rights, taking into account the human rights systems and international obligation treaties of which Guyana is a member. It thus specializes in evaluating risk and implementing schemes to comply with Guyana's obligations under international law, in particular international human rights law, refugee law and humanitarian law. It also liaises with governmental and non-governmental organizations and other relevant bodies to address the complaints and concerns of persons regarding matters under its purview. Judicial review by the courts also maintains adherence to the Constitution and Guyana's international treaty obligations.